

EXHIBIT A



60 East South Temple
Suite 1000
Salt Lake City, Utah 84111
(801) 533-9800
www.wnlaw.com

J. Dustin Howell
dhowell@wnlaw.com

March 20, 2018

VIA EMAIL

info@investible.io

brian@directedcapitalpartners.com

brian@directingevolution.com

Brian Christensen
222 East 860 South
Orem, Utah 84058

Re: Trademark Infringement – VIVINT Marks
Our Ref. No.: 18961.299

Dear Mr. Christensen:

I write in furtherance to my email of March 16, 2018. Despite your previous commitment to do so, you have not provided us with a substantive response to our previous letters and you have not complied with our demand to transfer the Vivint.io domain name to Vivint.

Vivint would still like to resolve this matter amicably. Accordingly, before taking further action against you, Vivint will provide you with one final opportunity to transfer the Vivint.io domain name to Vivint. This opportunity will only be available until March 23, 2018 at 5pm. If you fail to transfer the Vivint.io domain name to Vivint by the noted time, Vivint will proceed with filing suit against you for trademark infringement and violation of the Utah E-Commerce Integrity Act and the Utah Unfair Competition Act. Should you force Vivint to bring suit against you, Vivint will also seek monetary damages and attorneys fees in addition to the transfer of the Vivint.io domain name.

Sincerely,

WORKMAN | NYDEGGER

A handwritten signature in blue ink that reads "J. Howell".

J. DUSTIN HOWELL

Vivint, Inc.

EXHIBIT B

From: Dustin Howell <DHowell@WNLaw.com>
Sent: Friday, April 06, 2018 10:58 PM
To: Investible Inc.
Cc: brian@directedcapitalpartners.com; Brian Christensen; John C. Stringham; David P. Johnson; James W. McConkie
Subject: RE: Trademark Infringement - VIVINT (18961.299) [IWOV-1.FID1921216]
Attachments: Complaint.pdf

Mr. Christensen,

Despite Vivint's repeated efforts to resolve this matter amicably, you have not been willing to comply with Vivint's requests. Furthermore, you have stopped communicating with us.

In light of the foregoing, we have prepared the attached complaint. If you fail to respond to us by Wednesday, April 11, 2018, and fail to transfer the Vivint.io domain name to Vivint by Friday, April 13, 2018, we will proceed to file the attached complaint in the U.S. District Court.

Furthermore, if you force Vivint to file the complaint by failing to comply with these demands, in order to settle this matter you will, at a minimum, have to transfer the domain name to Vivint and reimburse Vivint for its attorneys' fees related to this matter.

We look forward to hearing from you.

J. Dustin Howell
Office-Direct: 801-322-8408
Email dhowell@wnlaw.com



From: Dustin Howell
Sent: Tuesday, March 20, 2018 2:47 PM
To: 'Investible Inc.' <info@investible.io>
Cc: 'brian@directedcapitalpartners.com' <brian@directedcapitalpartners.com>; 'Brian Christensen' <brian@directingevolution.com>
Subject: RE: Trademark Infringement - VIVINT (18961.299) [IWOV-1.FID1921216]

Mr. Christensen,

Please see the attached letter.

Regards,

J. Dustin Howell
Office-Direct: 801-322-8408
Email dhowell@wnlaw.com



From: Dustin Howell
Sent: Friday, March 16, 2018 2:42 PM
To: Investible Inc. <info@investible.io>
Cc: brian@directedcapitalpartners.com; Brian Christensen <brian@directingevolution.com>
Subject: RE: Trademark Infringement - VIVINT (18961.299) [IWOV-1.FID1921216]

Mr. Christensen,

I write to follow-up on our conversation from early last week. During our conversation, you indicated that you or newly retained counsel would provide us with a substantive formal response to our recent letters by last Friday, March 9th. To date, we still have not received a formal response from you.

Furthermore, I again related to Vivint your request to meet with someone from Vivint. However, Vivint maintains its position that it will only consider meeting with you after you have transferred the Vivint.io domain name to Vivint.

We look forward to your substantive response and your prompt transfer of the domain name to Vivint. Be advised that your failure to comply with our demands in a timely manner will leave Vivint no choice but to take legal action against you in order to protect its rights.

Regards,

J. Dustin Howell
Office-Direct: 801-322-8408
Email dhowell@wnlaw.com



From: Dustin Howell
Sent: Wednesday, February 28, 2018 10:31 PM
To: Investible Inc. <info@investible.io>
Cc: brian@directedcapitalpartners.com; Brian Christensen <brian@directingevolution.com>
Subject: Re: Trademark Infringement - VIVINT (18961.299) [IWOV-1.FID1921216]

Ms. Dixon,

As noted in my earlier email, Mr. Ascione claims that he no longer represents Mr. Christensen. Furthermore, we have provided Mr. Christensen ample time to resolve this matter amicably. Additionally, Mr. Christensen can easily transfer the vivint.io domain name to Vivint even while he is out of the country. Accordingly, we look forward to receiving his assurance that he will promptly comply with our demands. Absent such compliance, Vivint will be forced to consider taking additional action to protect its rights.

Regard,

J. DUSTIN HOWELL

WORKMAN | NYDEGGER

EMAIL: DHOWELL@WNLAW.COM

BIOGRAPHY: [DHOWELL](#)

[60 EAST SOUTH TEMPLE, SUITE 1000 | SALT LAKE CITY, UTAH 84111](#)

T: [\(801\) 533-9800](tel:(801)533-9800) | F: [\(801\) 328-1707](tel:(801)328-1707) | WEBSITE: WWW.WNLAW.COM

On Feb 28, 2018, at 9:13 PM, Investible Inc. <info@investible.io> wrote:

Dear Mr. Howell,

My name is Janae Dixon and I am Brian Christensen's new personal assistant. He has asked me to reach out to you as he is currently out of the country on business. Therefore, as per your request of this Friday, March 2nd to comply with your demands, this will not be possible.

Since Brian has been out of the country, we have not been able to meet with Patrick and plan to do so as soon as he returns. He will be back in the office on Monday, March 5th. Brian or council will be in contact with you as soon as possible.

If there is anything else I can be of assistance with please don't hesitate to let me know. My direct line is (801) 590-7706

Janae Dixon
Client Support
[\(801\) 590-7706](tel:(801)590-7706)
info@investible.io



On Wed, Feb 28, 2018 at 10:31 AM, Dustin Howell <DHowell@wnlaw.com> wrote:

Mr. Christensen,

Patrick Ascione informed me today that he no longer represents you. If you have retained new counsel for this matter, please provide us with their contact information so we can communicate through them.

As evidenced by the numerous attached letters, Vivint has given you ample time to comply with its demands to transfer the Vivint.io domain name to Vivint. However, Vivint's patience is waning. Your failure to promptly transfer the Vivint.io domain name to Vivint will force Vivint to seek resolution to this matter through other legal means. If we do not receive your assurance by this Friday, March 2, 2018, that you will comply with our demands, we will assume you are not interested in an amicable resolution to this matter and we will proceed accordingly.

Regards,

J. Dustin Howell

Office-Direct: [801-322-8408](tel:801-322-8408)

Email dhowell@wnlaw.com

<image002.jpg>

From: Dustin Howell [mailto:DHowell@WNLaw.com]

Sent: Monday, January 15, 2018 9:58 AM

To: info@investible.io; brian@directedcapitalpartners.com

Subject: Trademark Infringement - VIVINT (18961.299) [IWOV-1.FID1921216]

Mr. Christensen,

Please see the attached letter.

Regards,

J. Dustin Howell

Office-Direct: [801-322-8408](tel:801-322-8408)

EMAIL: DHOWELL@WNLAW.COM

<image003.png>

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Janae Dixon
Client Support

[\(801\) 590-7706](tel:(801)590-7706)

info@investible.io



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EXHIBIT C

Date	Timekeeper	Description	Hours	Dollars
01/10/2018	J Dustin Howell	Review correspondence from client; investigate Brian Christensen and the vivint.io domain name; research .io domain dispute policy as basis for action against Mr. Christensen to secure transfer of the vivint.io domain name; prepare letter to Mr. Christensen requesting that he cease further unauthorized use of the VIVINT mark, including outlining relevant trademark law and related remedies, and requesting transfer of the vivint.io domain name to Vivint	5.50	1,650.00
01/12/2018	John C. Stringham	Conduct review of request by client and demand letter to infringing party; provide comments and suggestions to client and direct further action on matter.	0.75	296.25
01/15/2018	John C. Stringham	Conduct review of demand letter and IO extension; determine strategy for matter and transmit update to client.	0.50	197.50
01/29/2018	J Dustin Howell	Review file for response from Brian Christensen regarding the vivint.io domain name; prepare and send follow-up letter to Mr. Christensen regarding same	0.50	150.00
01/30/2018	John C. Stringham	Conduct review of response from domain holder and direct reporting letter to client.	0.40	158.00
01/31/2018	J Dustin Howell	Review and analyze letter from counsel to Brian Christensen regarding the vivint.io domain name; develop strategy for proceeding; prepare letter to client regarding same	1.25	375.00
02/01/2018	John C. Stringham	Conduct review of status of matter and provide comments regarding report to client with recommendations; direct transmission to client regarding same.	0.50	197.50

Date	Timekeeper	Description	Hours	Dollars
02/09/2018	J Dustin Howell	Prepare letter to Brian Christensen's counsel informing him that Vivint will only consider meeting with Mr. Christensen after transfer of the vivint.io domain name to Vivint	1.50	450.00
02/09/2018	John C. Stringham	Conduct review of client comments and direct reply to opposing counsel demanding transfer of domain name.	0.40	158.00
02/28/2018	J Dustin Howell	Review correspondence from Patrick Ascione regarding his termination of representation of Brian Christensen; prepare and send correspondence to Mr. Christensen informing him that time to reach an amicable resolution is waning; review and respond to correspondence from Mr. Christensen's assistant regarding same	1.25	375.00
03/06/2018	J Dustin Howell	Telephone conference with B. Christensen regarding his unauthorized registration of the vivint.io domain name and refusal to transfer it to Vivint; call with S. Ricks regarding same	0.50	150.00
03/16/2018	J Dustin Howell	Prepare and send follow-up correspondence to B. Christensen again requesting that he transfer the vivint.io domain name to Vivint	0.25	75.00
03/20/2018	J Dustin Howell	Prepare and send correspondence to B. Christensen informing him that his failure to promptly transfer the vivint.io domain name to Vivint will result in additional action being taken against him	0.50	150.00
04/05/2018	David P. Johnson	Begin drafting complaint against Brian Christensen.	5.00	1,475.00
04/06/2018	David P. Johnson	Finish drafting complaint against Brad Christensen, including claims for trademark infringement, trademark dilution, federal and state unfair competition, and cybersquatting.	5.30	1,563.50

Date	Timekeeper	Description	Hours	Dollars
04/06/2018	James W. McConkie	Review draft of complaint. Follow up conferences with D Johnson and J Stringham.	1.00	345.00
04/06/2018	J Dustin Howell	Review and revise draft Complaint against Brian Christensen regarding the vivint.io domain name; send draft complaint to client for review	0.75	225.00
04/11/2018	James W. McConkie	Conference and work with D Johnson re status and defendant's response to demand and complaint.	0.20	69.00
04/16/2018	Jennifer H. Hunter	Prepare civil cover sheet and complaint; email to court clerk for case opening; finalize complaint; file complaint and cover sheet with court; draft and send summons to court clerk for signature.	1.70	263.50
04/16/2018	David P. Johnson	Final review of complaint prior to filing; conference with partner regarding causes of action in complaint and final wording of certain allegations; conference with paralegal regarding filing.	1.80	531.00
04/16/2018	James W. McConkie	Work D Johnson and J Stringham on issues pertaining to draft of complaint. Make edits and revisions to same. Finalize to file and work with paralegal to facilitate same.	1.00	345.00
04/16/2018	John C. Stringham	Engage in review of issues relating to complaint and provide comments regarding same.	0.50	197.50
04/16/2018	Brittany Frandsen	Searched Wayback machine for history of vivint.io site; conference with J McConkie to discuss results	0.20	46.00
04/18/2018	Jennifer H. Hunter	Download court-issued summons; draft and send email with summons and complaint to process server for service on B. Christensen.	0.80	124.00

Date	Timekeeper	Description	Hours	Dollars
04/18/2018	James W. McConkie	Follow up on service issues with paralegal. Review related docket email from court. Brief report on case status to J Stringham.	0.30	103.50
04/19/2018	Jennifer H. Hunter	Download proof of service of summons received from process server and file with court.	0.30	46.50
04/26/2018	David P. Johnson	Review email from client regarding proof of service and answer date; draft and send response.	0.20	59.00
04/26/2018	James W. McConkie	Review correspondence from client. Review docket, confirm proof of service, and prepare response. Follow up briefly with D Johnson, D Howell, and J Stringham.	0.60	207.00
05/01/2018	David P. Johnson	Review April 30, 2018 standing order issued by court regarding requests for overlength memoranda, summary judgment motions, etc.	0.20	59.00
05/01/2018	James W. McConkie	Review civil standing order and referral issued by Judge Parrish. Correspond re same with D Johnson and J Stringham.	0.60	207.00
05/02/2018	James W. McConkie	Prepare and file notices of acknowledgement pursuant to civil standing order issued by Judge Parrish.	0.80	276.00
05/03/2018	James W. McConkie	Review Order to Propose Schedule issued by court. Brief conference and follow up re same with D Johnson.	0.60	207.00
05/09/2018	David P. Johnson	Review order to propose schedule, including requirements to propose schedule and specific questions the parties must be prepared to answer.	0.60	177.00
05/09/2018	James W. McConkie	Review and follow up on Order to Propose Schedule issued by court.	0.40	138.00

Date	Timekeeper	Description	Hours	Dollars
05/14/2018	David P. Johnson	Analyze applicability of order to propose schedule given defendant's failure to answer.	0.40	118.00
05/14/2018	James W. McConkie	Review email from S Ricks. Work with D Johnson and B McLain on Planning Report and Monetary Damages Memo.	0.40	138.00
05/16/2018	James W. McConkie	Review and edit draft Attorney Planning Report. Forward same with brief correspondence to client for review and approval. Work with B Frandsen to begin default papers. Work with B McLain on Monetary Damages Memo. Finalize Planning Report and deliver with correspondence to B Christensen.	1.50	517.50
05/17/2018	Brittany Frandsen	Researched standards for entry of default judgment in Utah; began drafting motion for entry of default judgment and declaration in support	1.90	437.00
05/17/2018	James W. McConkie	Begin work on default papers with B Frandsen, review claims and discuss potential damage theories.	0.30	103.50
05/18/2018	Brittany Frandsen	Reviewed and edited motion for entry of default judgment and declaration in support; sent to J McConkie for review	0.50	115.00
05/21/2018	Brooke McLain	Damages memo	2.00	280.00
05/23/2018	Brittany Frandsen	Searched for cases granting default judgment in trademark infringement/cybersquatting cases; began drafting motion for default judgment	3.90	897.00
05/24/2018	Brittany Frandsen	Reviewed memo outlining remedies available in trademark infringement actions and researched additional case law; continued to draft motion for default judgment	4.90	1,127.00

Date	Timekeeper	Description	Hours	Dollars
05/30/2018	Brittany Frandsen	Reviewed and revised motion for default judgment	2.00	460.00
05/31/2018	Brittany Frandsen	Finalize motion for default judgment; sent to J McConkie for review	1.10	253.00
06/01/2018	James W. McConkie	Follow up correspondence to client re motion for default. Review, edit and revise motion for default judgment. Review memo re damages and remedies prepared by B McLain and perform brief follow up research. Forward motion for default judgment with correspondence pertaining to remedies to S Ricks for approval and consideration prior to filing. Brief report to J Stringham.	1.90	655.50
06/04/2018	Brittany Frandsen	Acquired certificate certifying defendant is not in the military; reviewed and finalized motion for entry of default and supporting declaration	0.20	46.00
06/04/2018	David P. Johnson	Review motion for entry of default judgment, specifically sections pertaining to presumed irreparable harm in the context of likelihood of confusion.	0.50	147.50
06/04/2018	James W. McConkie	Review redline to Motion for Default Judgment from S Ricks. Follow up on same and motion for default.	0.50	172.50
06/12/2018	Brittany Frandsen	Researched availability of attorney fees under cybersquatting acts and Lanham Act	0.30	69.00
Total fees:			58.95	\$16,583.25

Date	Description	Value
04/16/2018	Complaint Filing Fee	400.00
04/18/2018	Service of Process - Complaint	55.00
06/01/2018	Computer Data Base Access – West Payment Center	544.74
Total costs:		\$999.74